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OCT 10 2001

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3 MS. BAILEY: My name is Donna Bailey I'm with  
4 the Eureka County Commission, I'm the vice-chair of the  
5 Eureka County Board of Commissioners and I'm here to  
6 represent the commission.

7 Eureka County is an affected unit of local  
8 government under Section 116 of the Nuclear Waste Policy  
9 Act as amended.

10 We appreciate the Department of Energy holding a  
11 mini-hearing in Crescent Valley. It is my understanding  
12 that the DOE's holding its second mini hearing in Crescent  
13 Valley, with the first was last Friday, October 5. As you  
14 may now be aware that the commission was meeting at the  
15 county seat, 124 miles southeast of Crescent Valley while  
16 DOE was here and was unable to participate.

17 The timing of the hearings and official  
18 announcement are unfortunate. First in letters dated  
19 May 21st and September 28, 2001, Eureka County requested a  
20 full hearing in Crescent Valley.

21 It is important for residents finally to give  
22 DOE their opinions about the Yucca Mountain project as  
23 required by Section 114 of the Nuclear Waste Policy Act  
24 and this should be a full hearing and not a mini hearing.

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1 We also believe that the hearings are premature.

2 We want to be able to review and comment on the full site  
3 recommendation, not the preliminary information.

4 We also want very much to review the final EIS  
5 and DOE's comments response document. People here want to  
6 know how you responded to the comments that they made in  
7 December of 1999. When will they have that opportunity?

8 Today I'll be submitting to you as part of our  
9 testimony Eureka County's Impact Assessment Report. This  
10 report identifies the likely impacts from constructing and  
11 operating a nuclear waste rail line through our county.  
12 It is a thorough and thoughtful analysis of what we could  
13 be facing.

14 Here are the highlights of what we learned.  
15 Because the rail line would be built in the hundred year  
16 flood plain, underpasses for roads, livestock and wildlife  
17 are needed but would likely be impractical. DOE has not  
18 yet identified the source of the 1.6 million cubic yards  
19 of fill and the 155,000 cubic yards of ballast that would  
20 be required to shore up the rail line.

21 We found that the rail line study corridor  
22 includes up to 59 percent of private land and almost

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23 60 percent of the assessed private parcels of land within  
24 our county are within 10 miles of the corridor.

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1 Construction of the rail line would convert a large but  
2 presently unknown amount of private land to public use.  
3 In addition to having the adverse impacts on the county's  
4 tax base and economy, this conversion is contrary to the  
5 county's adopted master plan which encourages the transfer  
6 of public land to private ownership.

7 Eureka County's assessor estimated that property  
8 values within three miles of the rail corridor and the  
9 existing UP tracks would be adversely affected even in the  
10 absence of an accident. In the case of a severe accident,  
11 property values would decrease by a large amount, from 10  
12 to 34 percent.

13 We learned that our volunteer emergency response  
14 personnel could not be prepared enough for the demands of  
15 nuclear waste transportation. Given our concerns about  
16 their safety, we would require a full time professional  
17 strike force team based in our county to serve the  
18 northeast region funded by the federal government based in  
19 Beowawe.

20 We learned that our agricultural and tourism

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21 economies could be endangered by an accident or even the  
22 perception that the rail line is associated with nuclear  
23 waste.

24 We learned that the project of this magnitude  
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1 with this many unknowns will have major impacts on  
2 Crescent Valley and its residents, perhaps disrupting our  
3 way of life and the place that we call home.

4 Eureka County has been involved with the nuclear  
5 waste issue since 1993 as an affected unit of local  
6 government. During that time, we have always maintained  
7 that transportation is an integral part of the project.  
8 To decide to build a repository at Yucca Mountain and not  
9 to decide how to get the waste to the repository is  
10 irresponsible.

11 We still don't know if the DOE plans to ship  
12 using mostly trucks or trains. If trains, we don't know  
13 yet if they will require dedicated trains or mix the  
14 shipments with the general freight. These decisions  
15 should be made before a site recommendation and are linked  
16 to it.

17 DOE often asserts that nuclear waste is a  
18 national problem requiring a national solution but there

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19 is no national plan for nuclear waste transportation and  
20 emergency response.

21 We also think that the Department of Energy  
22 should take into consideration the plans to store the  
23 nuclear waste on the Goshute reservation in western Utah  
24 even if it is not in their jurisdiction.

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1 For years the issues of public trust and  
2 confidence has been identified as a key to DOE's program.  
3 In recent weeks DOE further eroded public confidence with  
4 the late announcement of these hearings. If DOE wanted to  
5 do the hearings in a meaningful fashion, they would have  
6 had full hearings and not mini hearings. They would have  
7 consulted with local governments with the dates and times  
8 to ensure the public participation and they would have  
9 provided the public with adequate notice for the hearings.

10 You need to give the people at least two weeks  
11 notices for a hearing like this. The Federal Register  
12 notice did not appear until the first day of the hearings,  
13 October 3rd. Several of the regions newspapers are weekly  
14 and subscribers depend on the post office for delivery. If  
15 a county tried to hold a public hearing with that little  
16 notice they would be in violation of the law.

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17        Recently my niece, Julie Etchegary, won a  
18 History Day competition for her report on atomic testing  
19 in the 1950s. She documented that what the government  
20 said differed from what the residents of Eureka County and  
21 eastern Nevada actually experienced. We printed it in our  
22 summer newsletter which I'm submitting as part of my  
23 testimony.

24        Our rural population received damaging doses of  
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1 radiation in the 1950s and the 1960s from nuclear weapons  
2 tests conducted by the Atomic Energy Commission. The  
3 current proposal would continue the pattern of placing a  
4 disproportionate risks on our residents.

5        In the 1950s and 1960s residents of Nevada and  
6 Utah who were exposed to deadly radiation had to fight for  
7 years to receive minimal compensation for that exposure.  
8 Some died trying. Let's not repeat history. If Eureka  
9 County residents are forced to have nuclear waste shipment  
10 in their communities, then we propose the establishment of  
11 a special escrow fund for prompt and complete compensation  
12 of people affected by the routine shipments of the nuclear  
13 waste and by the transportation accidents. DOE would pay  
14 for the baseline health assessment conducted by the local

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15 governments and establish a fully funded amount of \$1  
16 billion to be administered by an independent third party  
17 for compensation to citizens exposed to radioactivity.

18 Finally, as part of our Impact Assessment  
19 Report, we developed a list of mitigation measures that we  
20 anticipate needing as a result of the construction and  
21 operation of this rail line. This is no benefits package.  
22 This is just to make sure that we don't lose ground as a  
23 county and a community because of this project.

24 These mitigation measures address water

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1 resources, noxious weeds, land ownership, the economy,  
2 takings, housing, effects of the rail terminal in Beowawe,  
3 solid waste, public finances, public health and safety,  
4 emergency response and management, and environment  
5 justice.

6 We request a full hearing in Crescent Valley  
7 after the final EIS is released and the site  
8 recommendation is made.

9 Thank you for your attention.